

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SCANSOFT, INC.,

Plaintiff,

v.

VOICE SIGNAL TECHNOLOGIES, INC.,
LAURENCE S. GILLICK, ROBERT S.
ROTH, JONATHAN P. YAMRON, and
MANFRED G. GRABHERR,

Defendants.

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) Civil Action No. 04-10353 PBS
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**SCANSOFT'S MOTION TO
ALLOW INSPECTION OF ALL COMPUTERS AND COMPUTER SERVERS
IN THE POSSESSION, CUSTODY, OR CONTROL OF VST
OR THE INDIVIDUAL DEFENDANTS
AND
TO COMPEL VST TO PROVIDE INFORMATION NECESSARY FOR THE
NEUTRAL EXPERT PROCEDURE**

VST continues to evade full production of documents required by this Court's orders. First, VST misrepresented its production of First Year Source Code, withholding much of it until this Court ordered VST to produce all of it. Still, VST has not produced all documents that it should have. For example, data files and training models necessary to build a speech recognition engine are absent and source code for many of VST's speech recognition products is missing altogether. Now, ScanSoft has reason to believe that VST also failed to produce all First Year Documents. First Year documents in the form of e-mails, notes, and/or other forms of record keeping are negligible. Expected documentation of the plan, design, development, and implementation of a speech recognition engine is sparse. This pattern of troubling discrepancies between what VST

is obligated to produce and what VST has actually produced demonstrates that VST is hiding something.

Accordingly, ScanSoft requests that this Court allow it to appoint a third party forensic expert to inspect all computers and computer servers, including external hard drives, back up tapes and deleted files, that are in the possession, custody, or control of VST or the individual defendants to allow ScanSoft to determine whether VST is withholding production directed by this Court's Order or has deleted electronic documents from its server. A proposed forensic expert procedure is attached at **Exhibit A**.

In addition, to assist the expert and expedite the Neutral Expert Procedure, ScanSoft seeks a thorough description and discussion of the delivered files and prompt and thorough responses to specific follow-up questions posed by ScanSoft. This information would greatly speed the inspection process and would almost certainly enhance the accuracy and precision of the conclusions that the expert will reach.

CERTIFICATION UNDER LOCAL RULE 7.1 AND 37.1

I certify that on May 2, 2006 counsel for the parties conferred by telephone in a good faith effort to resolve the issues presented in this motion, but that the parties were unable to reach an accord.

Dated: May 2, 2006

SCANSOFT, INC.,
By its attorneys,

/s/ Courtney M. Quish

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CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 2, 2006.

/s/ Courtney M. Quish

Courtney M. Quish

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